

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TED A. MCCRACKEN,
Plaintiff,

v.

JACQUELINE MCCRACKEN BLEI,
et al.,
Defendants.

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CIVIL ACTION NO. 21-CV-2187

ORDER

AND NOW, this **26th** day of **January, 2022**, upon consideration of Plaintiff Ted A. McCracken's *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. For the reasons stated in the Court's Memorandum, the Complaint is **DISMISSED** as follows:
 - a. McCracken's § 1983 claims challenging his arrest, imprisonment and prosecution are **DISMISSED WITHOUT PREJUDICE** as barred by *Heck v. Humphrey*, 512 U.S. 477, (1994) and McCracken may reassert these claims in a new civil action if the bar is ever removed;
 - b. McCracken's remaining federal claims are **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii); and
 - c. McCracken's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction, and he may pursue those claims in the appropriate state court.

2. The Clerk of Court is **DIRECTED** to close this case.

BY THE COURT:

/s/ Eduardo C. Robreno

EDUARDO C. ROBRENO, J.